IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

TRUEPOSITION, INC., 　　　　　　　　　　Plaintiff, 　　　v. LM ERICSSON TELEPHONE COMPANY (Telefonaktiebolaget LM Ericsson), QUALCOMM INC., ALCATEL-LUCENT, U.S.A., THIRD GENERATION PARTNERSHIP PROJECT a/k/a 3GPP, and EUROPEAN TELECOMMUNICATIONS STANDARDS INSTITUTE, 　　　　　　　　　　Defendants.	)))))))))))))))))) CIVIL ACTION 2:11-cv-04574-RFK

STATUS REPORT OF PLAINTIFF TRUEPOSITION, INC. AND DEFENDANT EUROPEAN TELECOMMUNICATIONS STANDARDS INSTITUTE REGARDING JURISDICTIONAL DISCOVERY

Plaintiff TruePosition, Inc. ("TruePosition") and defendant European Telecommunications Standards Institute ("ETSI") jointly submit this status report regarding jurisdictional discovery pursuant to the Court's May 3, 2012 Order (Dkt. 109).

A.　　Service of Requests and Responses

On January 13, 2012, TruePosition served its Second Set of Document Production Requests Directed to ETSI and its Second Set of Requests for Admission Directed to ETSI. TruePosition also served a Notice of Deposition of Adrian Scrase (Vice-President, International Partnership Projects, ETSI) on January 18, 2012.   Thereafter, ETSI filed a motion for a protective order directing that discovery be taken pursuant to the Hague Convention.   The motion was denied and the Court directed discovery to proceed in accordance with the Federal

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Rules. *See* Mar. 6, 2012 Mem. Op. and Order (Dkt. 100, 101).

On April 5, 2012, ETSI served its written Responses and Objections to the Second Set of Document Production Requests Directed to ETSI and the Second Set of Requests for Admission Directed to ETSI.

B.   Agreements Concerning Electronically Stored Information ("ESI")

TruePosition and ETSI have reached the following preliminary agreements in relation to ESI. Depending on the scope of identified ESI, the parties agree that modifications may be required:

- The identity of ETSI document custodians most likely to have responsive ESI.

- Search terms to locate potentially responsive documents on ETSI's servers and on the hard drives and restored e-mail accounts of the document custodians.[1]

C.   Collection and Production of ESI

The following is the status of collection and production efforts of ESI:

- ETSI has completed restoration of the custodians' e-mail accounts, and has applied the agreed upon search terms to the restored accounts and to the custodians' hard drives. The search yielded a total of approximately 25 Gigabytes of data from the restored e-mail accounts, and 1.9 Gigabytes of data from the custodians' laptops.

- A hard drive containing the data collected from the custodians' e-mail accounts and laptops is being shipped to ETSI's counsel in the United States by May 11, 2012. Processing and review will begin immediately upon receipt, and ETSI estimates that it will begin a rolling production of responsive documents from the processed dataset by May 23, 2012.

- The collection of data from ETSI servers using the agreed upon search terms should be completed by May 30, 2012.

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[1] ETSI has not waived its objections to the scope of the discovery requests and has reserved its right to revisit the issue of scope when the size of the total dataset collected from the server is determined. TruePosition has reserved its right to revisit the custodian list and agreed upon search terms if TruePosition discovers, through deposition or otherwise, that a category or categories of responsive documents was not produced, that a sufficient number of potentially responsive documents have not been produced, or that certain representations made by ETSI during the "meet and confer" process are inaccurate.

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- ETSI will begin a rolling production of responsive documents from the servers as soon as the data have been collected and reviewed. Subject to the amount of data collected from the server, ETSI estimates that the production will be completed by June 27, 2012. ETSI will notify the Court immediately if the projected completion date for document production must be revised based on the amount of data collected from ETSI servers.

D. Dispute Regarding Requests for Admissions

The parties remain in disagreement regarding certain responses from ETSI to the Requests for Admissions. On April 12, 2012, TruePosition informed ETSI that it believes that certain responses are improper under Fed. R. Civ. P. 36 because they go beyond the subject matter of the Requests by including qualifying or supplemental language that is not necessary to the responses. ETSI believes its responses are appropriate and that any supplemental and explanatory language is necessary to an accurate understanding of the responses. TruePosition plans to file a motion to strike should ETSI continue to refuse to serve revised responses without the language that TruePosition believes to be superfluous.

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E.   <u>**Deposition of Adrian Scrase**</u>

The parties have not yet determined the date and location in the United States of

Mr. Scrase's deposition, but anticipate being able to do so after ETSI's production is complete.

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<u>CERTIFICATE OF SERVICE</u>

I hereby certify that on May 10, 2012, I served the foregoing Status Report Of Plaintiff TruePosition, Inc. And Defendant European Telecommunications Standards Institute Regarding Jurisdictional Discovery, dated May 10, 2012, on all parties to this litigation by ECF and first-class mail.

/s/ Derek Care
Derek Care

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